

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

JOHN SEMBRANO,

Defendant.

Case No. [19-cr-00651-CRB-1](#)

**ORDER RE: PROPOSED PLEA
AGREEMENT**

The Court is in receipt of the proposed Plea Agreement in this case. The Plea Agreement contains the following language: "I agree not to move the Court to modify my sentence under 3582(c)(1)(A) until I have fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring such a motion on my behalf, unless the BOP has not finally resolved my appeal within 30 days of my request despite my seeking review within ten days of each decision." The Government is directed to file a brief explaining how, if at all, this proposed provision of the Plea Agreement impacts John Sembrano's ability to seek relief under 18 U.S.C. § 3582(c)(1)(A). If this provision does alter Sembrano's ability to seek relief under § 3582(c)(1)(A), the Government is further directed to explain why those limitations are just, in the public interest, or otherwise desirable. The Government shall file its brief no later than 5:00 PM, May 20, 2020.

IT IS SO ORDERED.

Dated: May 13, 2020



CHARLES R. BREYER
United States District Judge